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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Paul Mark Mosakowski,

10 Petitioner,

11 v.

12 Charles L Ryan, et al.,

13 Respondents.  
14

No. CV-15-02010-PHX-GMS

**ORDER**

15 Pending before the Court is Petitioner's Petition for Writ of Habeas Corpus and  
16 United States Magistrate Judge Deborah M. Fine's Report and Recommendation  
17 ("R&R"). Docs. 1, 16. The R&R recommends that the Court deny the Petition and  
18 dismiss with prejudice. Doc. 16 at 13. The Magistrate Judge advised the parties that they  
19 had fourteen days to file objections to the R&R and that failure to file timely objections  
20 could be considered a waiver of the right to obtain review of the R&R. *Id.* at 13 (citing  
21 Fed. R. Civ. P. 72, 6(a), 6(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th  
22 Cir. 2003)).

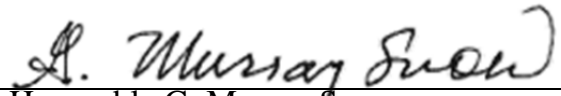
23 The parties did not file objections, which relieves the Court of its obligation to  
24 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149  
25 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is  
26 not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must  
27 determine de novo any part of the magistrate judge's disposition that has been properly  
28 objected to."). The Court has nonetheless reviewed the R&R and finds that it is well-

1 taken. The Court will accept the R&R and deny the Petition and dismiss with prejudice.  
2 *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in  
3 whole or in part, the findings or recommendations made by the magistrate”); Fed. R. Civ.  
4 P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended  
5 disposition; receive further evidence; or return the matter to the magistrate judge with  
6 instructions.”).

7 **IT IS ORDERED:**

- 8 1. Magistrate Judge Fine’s R&R (Doc. 16) is **accepted**.
- 9 2. The Petition for Writ of Habeas Corpus (Doc. 1) is denied and this action is  
10 dismissed with prejudice.
- 11 3. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the  
12 event Petitioner files an appeal, the Court declines to issue a certificate of appealability  
13 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*  
14 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

15 Dated this 3rd day of February, 2017.

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18 Honorable G. Murray Snow  
19 United States District Judge  
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